



**US Army Corps
of Engineers®
Albuquerque District**

PUBLIC NOTICE

Permit Application No.: SPA-2007-00610-DUR
Project Name: Riversong West
Applicant: CA Farmington, LLC
Waterway: Unnamed Tributaries to San Juan River
Public Notice Date: September 26, 2008
Comment Due Date: October 26, 2008
USACE Contact Phone: 970-375-9509

Reply To:

Durango Regulatory Office
US Army Corps of Engineers, Albuquerque District
799 East 3rd Street, Unit #2
Durango, CO 81303

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above comment due date. The application is for a permit to place/discharge dredged and/or fill material for construction of a mixed use commercial/residential development in unnamed ephemeral tributaries to the San Juan River near the City of Farmington, San Juan County, New Mexico. The proposed project would result in the placement of fill to provide adequate sub-grade support to proposed building and parking pads, and the placement of a box culvert to cross the arroyo. On-site mitigation is proposed through the re-alignment and restoration of the existing main arroyo. Approximately 1.42 acres of waters of the U.S. (2,800 linear feet) would be filled with suitable fill from the site. Details of the proposed project are provided below.

Name of Applicant: CA Farmington, LLC
2199 Inner Belt Drive
St. Louis, MO 63114
Contact Person: Mr. Mark Robinson
Phone: (248) 531-0080

Location: The project is located approximately 3 miles east of the City of Farmington, in the vicinity of the South Browning and Wildflower Drive intersection, in unnamed ephemeral tributaries to the San Juan River near the City of Farmington, San Juan County, New Mexico, Section 13, Township 29 North, Range 13 West (36° 43' 43" N Latitude, 108° 9' 32" W Longitude).

Description of Work: To construct a mixed use development including residential,

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commercial and institutional facilities, internal roadways and associated infrastructure (i.e., utilities and parking). This includes placement of fill to provide adequate sub-grade support to proposed building and parking pads, and the placement of a box culvert to cross the arroyo. On-site mitigation is proposed through the re-alignment and restoration of the existing arroyo. Work within the ephemeral arroyo will be conducted during periods of no flow. All materials to fill the arroyo would be clean suitable fill taken from the site. The total area of fills in waters of the U.S. is 1.42 acres (2,800 linear feet). Work is expected to begin in December 2008 and be completed in December 2009.

Purpose and Need: The basic project purpose is housing and commercial development. The overall project purpose is to construct a mixed-use development including residential, commercial and institutional (medical and church) facilities, internal roadways and associated infrastructure (i.e., utilities and parking) within the Farmington metropolitan area.

Related Work: none

Project Details: The proposed impacts to the arroyo that traverses this site at the intersection of Browning Parkway, Wildflower Parkway (to the east), and Southside River Road (to the west) can be broken into four segments: Segment 4 is the lower portion of the arroyo, starting at the western boundary of the Riversong PUD extending to (and including) an existing culvert which passes below the intersection of Browning Parkway/Wildflower Parkway; Segment 3 is the section of stream currently located in a culvert that passes under the Browning Parkway/Wildflower Parkway intersection; Segment 2 is the middle reach which extends from the culvert at the intersection of Browning Parkway and Wildflower Parkway to the east where an existing gas line crosses the arroyo; Segment 1 extends east from the existing gas line easement to the road crossing on Use Area 'D1'.

The existing arroyo enters a culvert pipe to pass under the intersection of Browning Parkway/Wildflower Parkway. It is proposed that Segment 3 remain in a culvert and Segment 4 be placed in a culvert to pass under proposed parking on Use Area 'A2'. Due to the density of development proposed and parking requirements for such facilities, further avoidance and minimization of impacts to Segment 4 is not practicable.

Buildings and associated parking pads proposed on the subject site require large foundations to provide adequate subgrade support. CA Farmington met the US Army Corps of Engineers (USACE) on site to discuss objectives for the arroyo, water quality, habitat and development. During this discussion, CA Farmington presented their initial development plan to pipe the impacted segments of the arroyo. Based on feedback provided by the USACE, CA Farmington has decided to propose that Segment 1/Segment 2 of the arroyo be realigned and remain in an open channel, thereby minimizing the overall impact to aquatic resources in this reach. The proposed design for the realigned arroyo entails a combination of grading and biological techniques to provide bank stabilization. Existing vertical or near-vertical banks would be modified to a moderate angle and replanted with native species. Roots of riparian vegetation, rather than structural measures, would provide bank stability.

Proposed Mitigation: The US Army Corps of Engineers' (USACE) 33 CFR Parts 325 and 332, revised by Federal Register (Volume 73, Number 70) dated April 10, 2008 requests that wetland mitigation planning for Clean Water Act (CWA) Section 404 permits by (presented in order of preference): Mitigation bank credits when permitted impacts are located within the service area of an approved mitigation bank and the bank has the appropriate number and

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resource type of credits available; Payment in to an in-lieu fee program where permitted impacts are located within the service area of an approved in-lieu fee program and the sponsor has the appropriate number and resource type of credits available; Permittee-responsible mitigation (on-site) under a watershed approach; and lastly, Permittee-responsible off-site mitigation and/or out-of-kind mitigation can be considered if the District Engineer determines that mitigation bank credits, in-lieu fee program, and on-site mitigation opportunities are not practicable, are unlikely to compensate for the permitted impacts, or will be incompatible with the proposed project, and an alternative, practicable off-site and/or out-of-kind mitigation opportunity is identified that has a greater likelihood of offsetting the permitted impacts or is environmentally preferable to on-site or in-kind mitigation.

The referenced guidance indicates that USACE districts will use a watershed and ecosystem approach when determining compensatory mitigation requirements, considering the resource needs of the watershed where impacts will occur, and neighboring watersheds. A watershed-based approach to aquatic resource protection considers entire systems and their constituent parts, and compensatory mitigation projects that include a mix of habitats such as open water, wetlands and adjacent uplands are preferable. When viewed from a watershed perspective, such projects provide greater variety of functions. A watershed approach may include on-site compensatory mitigation, off-site compensatory mitigation (including mitigation banks or in-lieu fee programs), or a combination of on-site and off-site compensatory mitigation.

The proposed project is not located within the service area of an approved mitigation bank; therefore, purchase of mitigation bank credits for compensatory mitigation is not a viable option. Likewise, the proposed project is not located within the service area of an approved in-lieu fee program. Therefore, on-site mitigation via the enhancement and realignment of the current aquatic resource on site is proposed to compensate for project impacts to aquatic resources.

To mitigate for impacts to 1.42 acres of aquatic resources that would result from the proposed Riversong PUD, the applicant proposes to realign the arroyo and stabilize the streambanks as depicted on Figure 6.1 (1.60 acres). The realigned arroyo (downstream portion of Segment 1 and Segment 2) are proposed to have similar qualities and functions to those seen in the higher functioning upstream portion of Segment 1. The overall net increase in function and value of the realigned channel is proposed to compensate for the loss of aquatic resources within all segments of the arroyo. The applicant's proposal addresses increased groundwater recharge/discharge, flood-flow alteration and sediment stabilization, and wildlife/aquatic diversity, recreation and aesthetic qualities. The applicant has proposed that the construction of the proposed compensatory mitigation areas would be concurrent with authorized impacts to the extent practicable.

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Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Deanna L. Cummings
U.S. Army Corps of Engineers
Durango Regulatory Office
799 East Third Street, Unit #2
Durango, CO 81303
970-375-9509
Fax No. 970-375-9531

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. Consultation with the New Mexico State Historic Preservation Office (SHPO) has not revealed any pending nominations. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible; however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

A cultural resources survey of the project site was conducted and no significant cultural resources were encountered within the survey area. No further archaeological work is recommended in association with this project; project clearance is recommended without further stipulations.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for San Juan County, New Mexico:

USFWS for San Juan County: Black footed ferret (*Mustela nigripes*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Mexican spotted owl (*Strix occidentalis lucida*), Yellow-billed cuckoo (*Coccyzus americanus*), Knowlton's cactus (*Pediocactus knowltonii*), Mancos milkvetch (*Astragalus humillimus*), Mesa Verde cactus (*Sclerocactus mesae verdae*), Razorback sucker (*Xyrauchen texanus*), and Colorado Pikeminnow (*Ptychocheilus lucius*).

State of New Mexico for San Juan County: Spotted bat (*Euderma maculatum*), Southwestern willow flycatcher (*Empidonax traillii extimus*), Baird's sparrow (*Ammodramus bairdii*), Common black-hawk (*Buteogallus anthracinus anthracinus*), American peregrine falcon (*Falco peregrinus anatum*), Brown pelican (*Pelecanus occidentalis carolinensis*), Gray vireo (*Vireo vicinior*), Roundtail chub (*Gila robusta*), Colorado Pikeminnow (*Ptychocheilus lucius*), Brack's hardwall cactus (*Sclerocactus cloveriae ssp. brackii*), Aztec gilia (*Aliciella formosa*), Parish's alkali grass (*Puccinellia parishii*), and Gooding's onion (*Allium gooddingii*).

Our preliminary review indicates this project will not impact any threatened or endangered species, critical habitat, or state-listed species.

The applicant has applied to the New Mexico Environment Department Surface Water Quality Bureau for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

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In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than October 26, 2008. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, she will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Kimberly M. Colloton
Lieutenant Colonel, U.S. Army
District Commander

Enclosure

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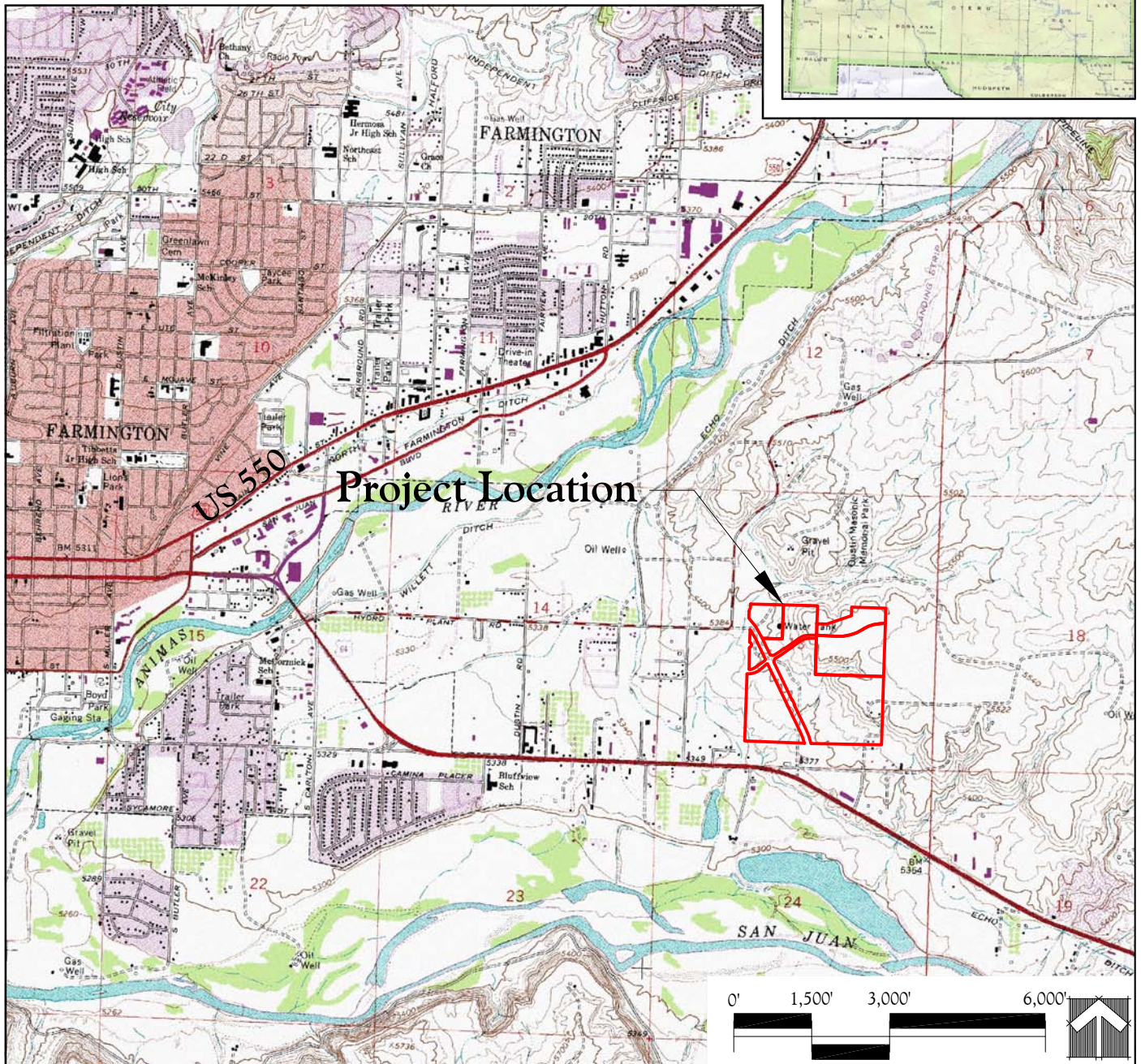
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PROJECT LOCATION:

Sections 13, Township 29 North, Range 13 West.
New Mexico Principal Meridian,
San Juan County, Colorado.

CENTROID LOCATION:

Latitude: 36° 43' 43"
Longitude: -108° 9' 32"

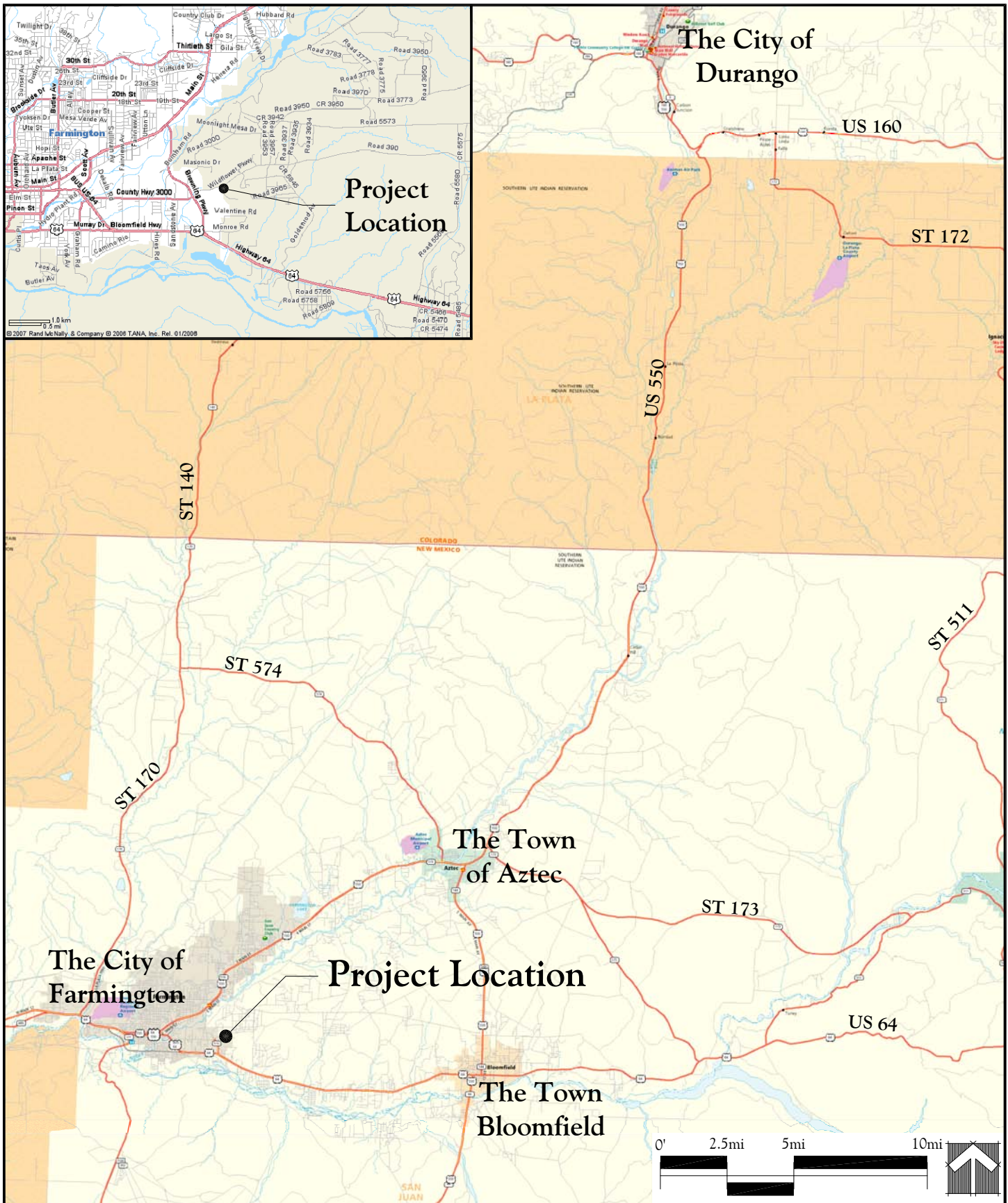



PROJECT LOCATION

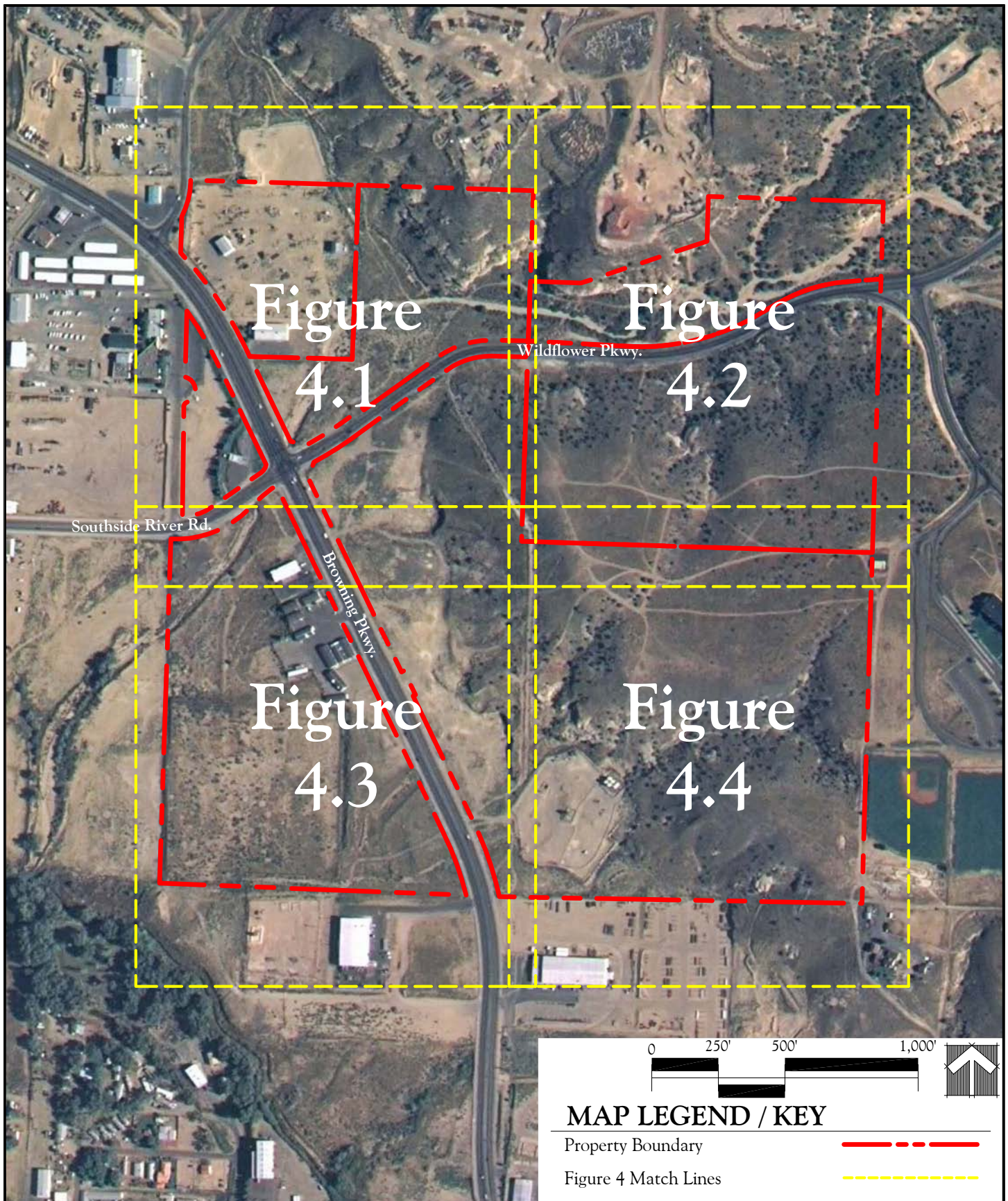
RIVERSONG
INDIVIDUAL PERMIT


FIGURE 1











Source: Farmington South
New Mexico 7.5' USGS Quadrangles

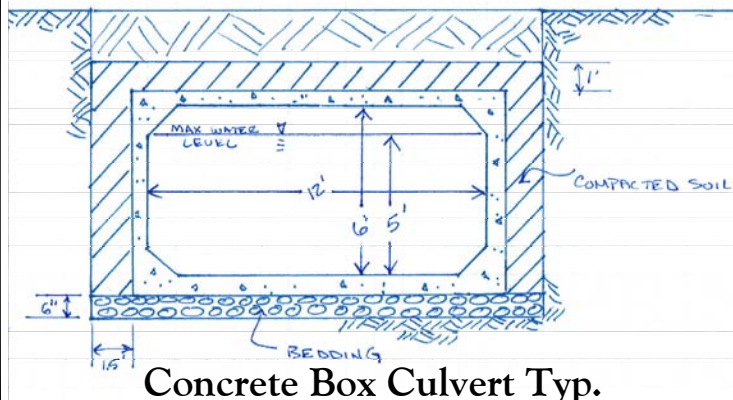


 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	VICINITY/ROAD MAP	FIGURE 2
	RIVERSONG INDIVIDUAL PERMIT	Source: Rand McNally On-Line



 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	AERIAL SITE MAP	FIGURE 3
	RIVERSONG INDIVIDUAL PERMIT	<p>Source: Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)</p>

	<p><u>USE AREA 'B1': (PHASE 1)</u> 8.67ac (377,641sf) MULTI-FAMILY RESIDENTIAL</p> <p>FLOORPLATES: 64,500sf NET RESIDENTIAL UNIT: 228,096 sf ACTIVITY/RECREATIONAL BUILDINGS: 500 sf</p> <p>PROPOSED ZONE: R-3</p>		<p><u>USE AREA 'A1': (PHASE 3)</u> 37.78ac (1,645,795sf) MULTI-FAMILY RESIDENTIAL HOTEL/MOTEL USE PERSONAL SERVICES USE PLANNED SHOPPING CENTER RESTAURANT USE SUPERMARKET USE MEDICAL/DENTAL OFFICE USE OFFICE USE RETAIL-COMMERCIAL USE</p> <p>Retail: 186,755 sf, 11.3% Restaurant: 54,000 sf, 3.3% Office: 44,200 sf, 2.7% Residential: 99,755, 6.1%</p>	<p>NOTE: 1. PARCELS SHOWN ARE APPROXIMATE. BUILDING DESIGN, PARKING DESIGN, ETC. HAS NOT BEEN COMPLETED AT THIS TIME AND WILL IMPACT FINAL PARCEL LOCATIONS AND SIZES. 2. PASS-THROUGH ADJOINING PROPERTY STORM WATER</p> <p><u>UNDERLYING ZONING C-2</u> <u>UNLESS NOTED OTHERWISE</u></p>
	<p><u>USE AREA 'B2': (PHASE 2)</u> 13.05ac (568,457sf) MEDICAL/DENTAL OFFICE USE OFFICE USE ACTIVITY & RECREATION CLUB HOTEL RESIDENTIAL LOFT</p> <p>FLOORPLATES: 102,500sf BUILDINGS: 235,500sf ACTIVITY/RECREATIONAL BUILDINGS: 5,000sf</p>		<p><u>USE AREA 'B': (PHASE B)</u> 10.20ac (444,501sf) CHURCH USE SENIOR LIVING/RESIDENTIAL BUILDING: 80,000 sf (3 STORY)</p>	
	<p><u>USE AREA 'A2': (PHASE 4)</u> 25.82ac (1,124,805sf) RETAIL-COMMERCIAL USE BANKS/FINANCIAL INSTITUTION OFFICE USE</p> <p>Retail: 245,600 sf, 21.8% Restaurant: 45,400 sf, 4.0%</p>		<p><u>USE AREA 'C': (PHASE C)</u> 7.79ac (339,367sf) CHURCH USE BUILDING: 108,000 sf (3 STORY)</p>	
	<p><u>USE AREA 'A3': (PHASE 5)</u> 2.59ac (112,702sf) RETAIL-COMMERCIAL USE</p> <p>Retail: 23,500 sf, 20.9%</p>		<p><u>USE AREA 'D1': (PHASE 7)</u> 6.85ac (298,100sf) (N of wildflower) 6.60ac (287,157sf) (S of wildflower) MULTI-FAMILY RESIDENTIAL MEDICAL/DENTAL OFFICE USE OFFICE USE CHURCH USE RESEARCH & DEVELOPMENT USE RETAIL</p> <p>Retail: N - 18,700 sf, 6.3% S - 44,000 sf, 15.3%</p> <p>Residential: S - 8,640 sf, 3.0%</p> <p>(APPROVED ANNEXATION AREA)</p>	
	<p><u>USE AREA 'A4': (PHASE 6)</u> 19.13ac (833,382sf) RETAIL-COMMERCIAL USE RESTAURANT USE EVENTS EDUCATION</p> <p>Office: 32,000, 3.8% Retail: 102,300, 12.3% Restaurant: 4,000 sf, 0.5%</p>		<p><u>USE AREA 'D2': (PHASE 8)</u> 4.74ac (206,303sf) MULTI-FAMILY RESIDENTIAL</p> <p>Residential: 75,000 sf, 36.4%</p> <p>(APPROVED ANNEXATION AREA)</p>	





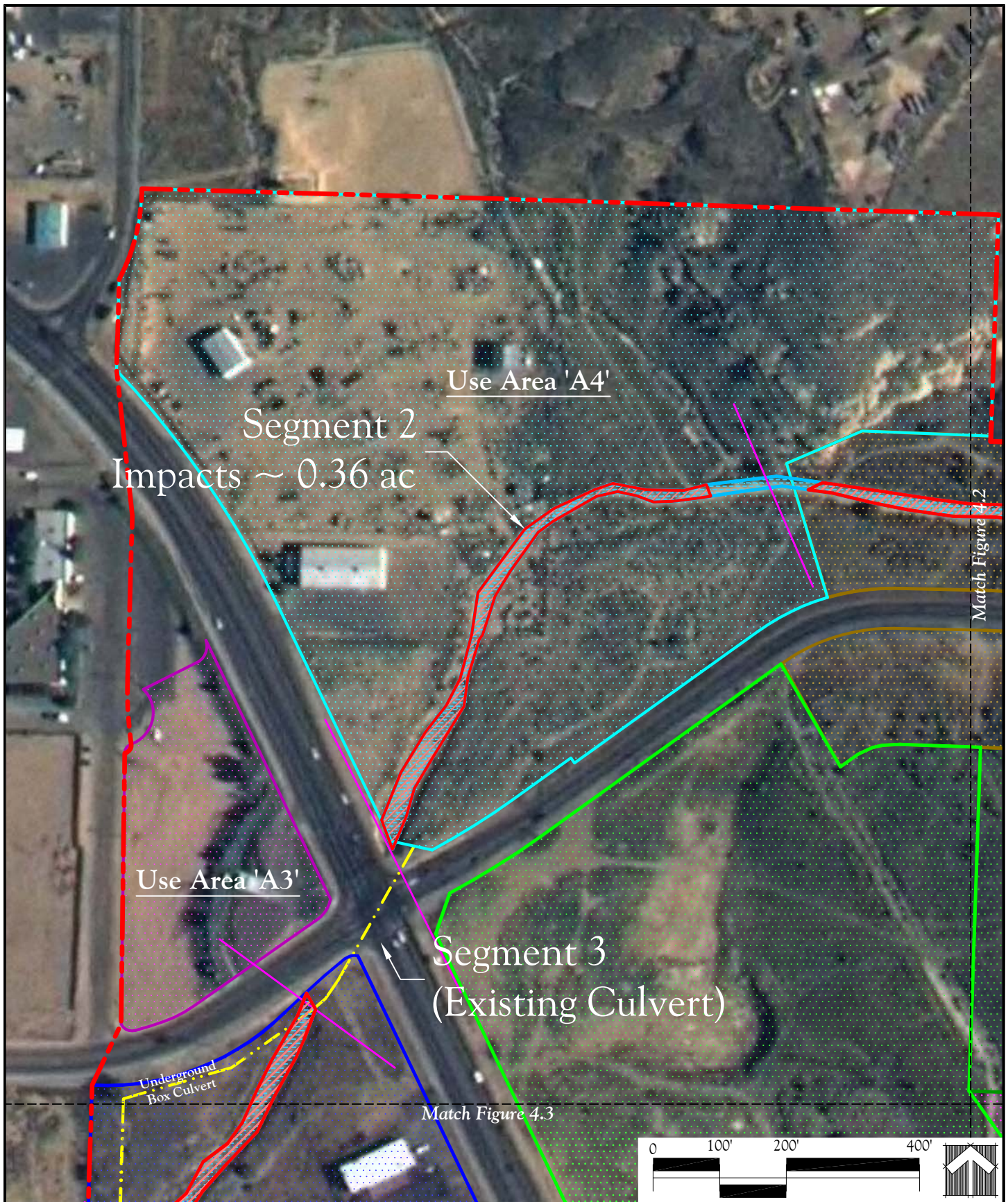
Concrete Box Culvert Typ.


MAP LEGEND / KEY

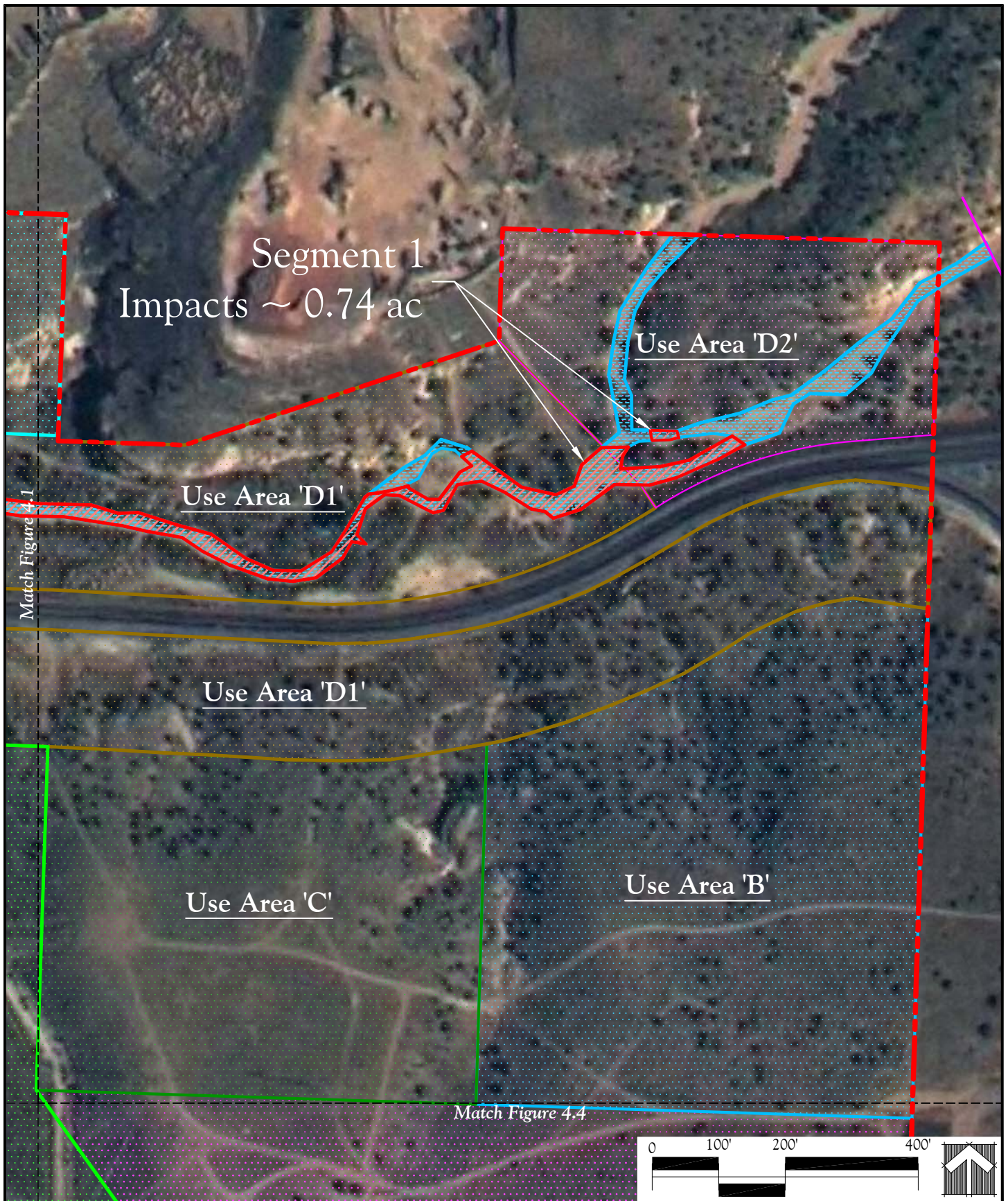
Property Boundary	
Sheet Match Lines	
Arroyo Segments	


JURISDICTIONAL WATERS OF THE US

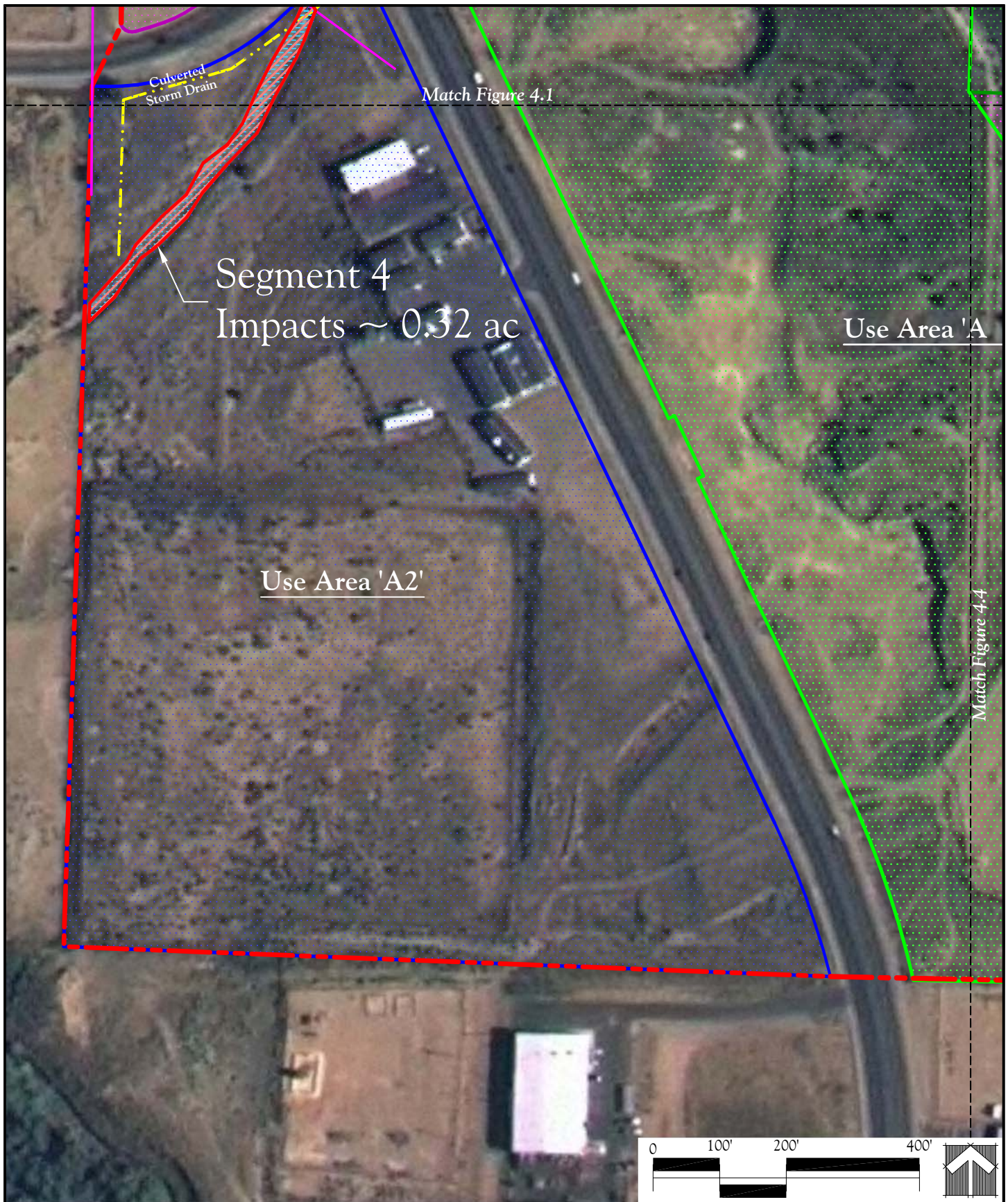
		Existing WOUS 2.09 AC 3,800 LF		Impacted WOUS 1.42 AC 2,800 LF
Ephemeral Drainage				




 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	WETLAND IMPACT MAP	FIGURE 4.1
	RIVERSONG INDIVIDUAL PERMIT	Source: Base Data Provided by Souder Miller & Associates; Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)




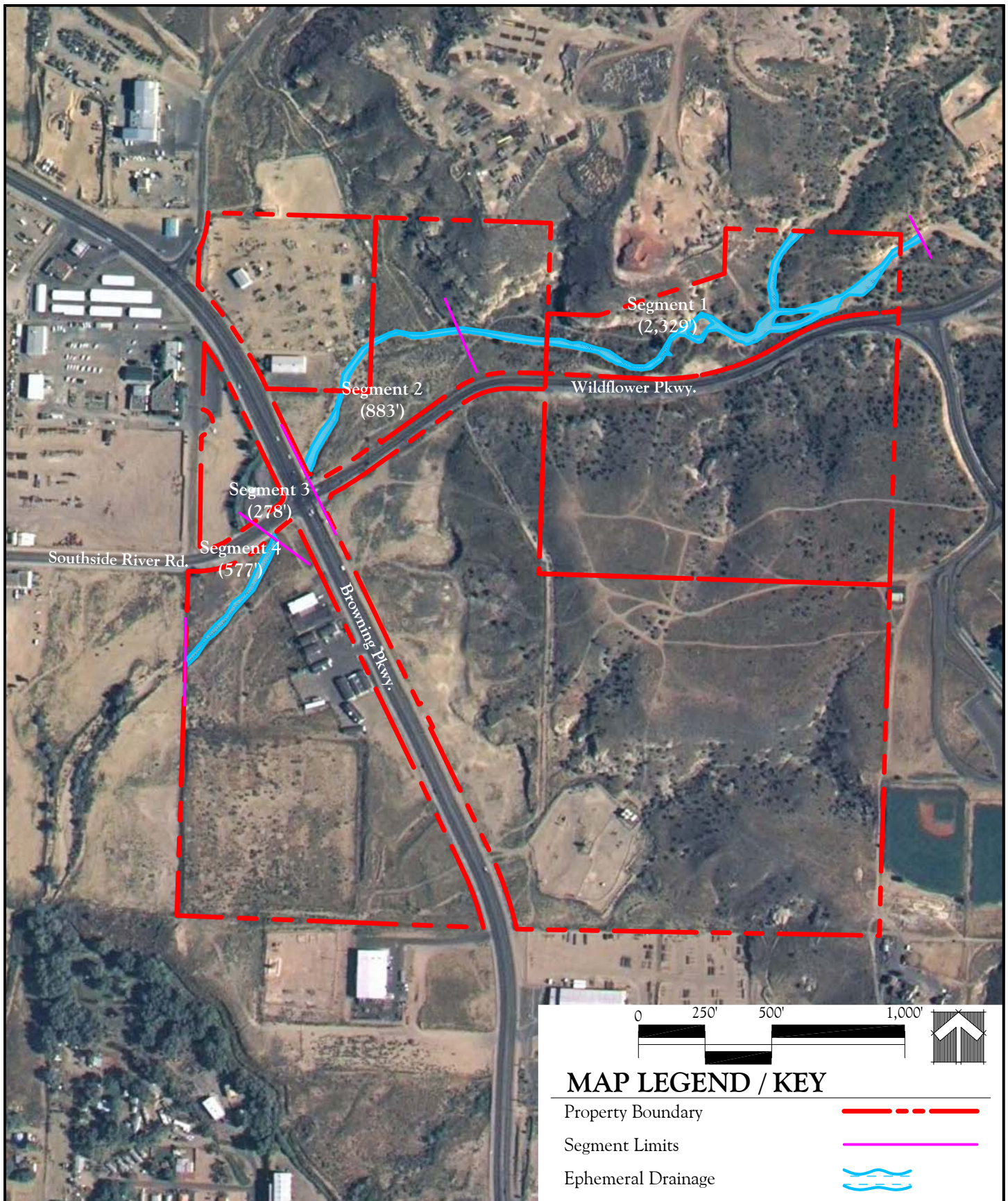
 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	WETLAND IMPACT MAPS	FIGURE 4.2
	RIVERSONG INDIVIDUAL PERMIT	<small>Source: Base Data Provided by Souder Miller & Associates; Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)</small>



 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	WETLAND IMPACT MAPS	FIGURE 4.3
	RIVERSONG INDIVIDUAL PERMIT	<p>Source: Base Data Provided by Souder Miller & Associates; Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)</p>



 <p>SME SUGNET & MOORE ENVIRONMENTAL, INC.</p>	WETLAND IMPACT MAPS	FIGURE 4.4
	RIVERSONG INDIVIDUAL PERMIT	<small>Source: Base Data Provided by Souder Miller & Associates; Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)</small>



 SME SUGNET & MOORE ENVIRONMENTAL, INC.	ARROYO SEGMENT PLAN	FIGURE 5 <small>Source: Base Data Provided by Souder Miller & Associates; Farmington South DOQQ Provided by The New Mexico Resource Geographic Information System (RGIS)</small>
	RIVERSONG INDIVIDUAL PERMIT	

